United Nations A/72/858*–S/2018/433*

General Assembly
Security Council

Distr.: General
8 May 2018

Original: English

General Assembly
Seventy-second session
Agenda item 34
Prevention of armed conflict

Security Council
Seventy-third year

Letter dated 3 May 2018 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Upon the instructions of my Government, I have the honour to transmit herewith a memorandum from the Ministry of Foreign Affairs of the Republic of Artsakh (Nagorno Karabakh Republic) regarding the legal and historical background of the Nagorno Karabakh conflict (see annex), in reference to the letter dated 3 October 2017 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General (A/72/508-S/2017/836).

I kindly request that the present letter and its annex be circulated as a document of the General Assembly, under agenda item 34, and of the Security Council.

(*Signed*) Zohrab **Mnatsakanyan**
Ambassador
Permanent Representative

* Reissued for technical reasons on 29 May 2018.

18-07434* (E) 310518

Please recycle

Annex to the letter dated 3 May 2018 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Ministry of Foreign Affairs of the Republic of Artsakh

Memorandum

The current stage of the Azerbaijani-Karabakh conflict is the result of the policy pursued by the Azerbaijani authorities towards the Armenian population of Artsakh (Nagorno Karabakh) aimed at extermination and ethnic cleansing of the people of Nagorno Karabakh. Particularly, during the Soviet period the authorities of Azerbaijan had beer 'rying to expel the Armenian population of Artsakh hampering its economic and cultural development and violating individual and collective rights of the Armenian population of Artsakh. The war of 1991–94 and the policy of Azerbaijan throughout the Azerbaijani-Karabakh conflict have clearly demonstrated that the goals and objectives of Azerbaijani leadership to ethnically cleanse the Armenians of Artsakh from the land of their ancestors remained unchanged.

In this respect, the letter of October 3, 2017 of the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General deserves particular attention. Through pseudo-historical arguments, distorted interpretations of international law along with attributing to Azerbaijan an alleged right to unleash a war against the Republic of Artsakh it attempts to justify the ongoing vicious policy of the Azerbaijani leadership.

A close study demonstrates the inadequacy of both historical and legal arguments of the Azerbaijani side, which in their totality are a kind of manifesto about Azerbaijan's intention to further impede the realization by the people of Artsakh of their inalienable individual and collective human rights.

According to well-known sources, since ancient times Artsakh has been one of the provinces of historical Armenia and has never been part of an independent Azerbaijan. Under the pressure of Joseph Stalin, Peoples' Commissar on Nationality Issues of the Soviet Russia, parts of Artsakh were forcefully included within Azerbaijan in 1921 under the name of the Nagorno Karabakh Autonomous Region (NKAO). This unlawful act was formalized by the decision of the Caucasus Bureau of the Communist Party of Russia contrary to its previous decision that recognized Artsakh as part of Armenia and in sheer defiance to the will of the people of Artsakh. (see enclosed brief historical reference).

At the same time, the boundaries of the region were drawn in a way that a significant part of Artsakh was left outside. The historic parts of Artsakh were included in different administrative units of Azerbaijan and only the region of Shahumyan remained as a separate administrative unit bordering the Nagorno Karabakh Autonomous Region.

Moreover, the authorities of the Azerbaijani SSR decided to turn the Nagorno Karabakh Autonomous Region into an enclave, and to this end, in 1923, a new administrative entity was invented named Red Kurdistan in the territories between the Armenian SSR and the Nagorno Karabakh Autonomous Region with an administrative center in Lachin (Berdzor). Six years later, in 1929, the Red Kurdistan was abolished, and the constituent territories became separate administrative units of the Azerbaijani SSR. As a result of such manipulations, one third of the Armenian population of Artsakh was left beyond the autonomous region, and the region itself lost the common border with Armenia.

Against this background, the claim of the Azerbaijani side that the administrative borders of the Nagorno Karabakh Autonomous Region "were defined in such a way as to exclude Azerbaijani villages and artificially create a new demographic composition of the region's population" sounds especially cynical.

During the entire period that Artsakh remained within the Azerbaijani SSR, the Azerbaijani leadership with a view to changing the demographic situation pursued a consistent policy of violation of the political, economic, social and cultural rights of the Armenian population. Subsequently the then leader of Azerbaijan Heydar Aliyev, who ruled Soviet Azerbaijan from 1969 to 1982, admitted that these actions of the Azerbaijani authorities were undertaken with special intent. On July 22, 2002, at a meeting with heads of several Azerbaijani media outlets, referring to the policy he pursued in the 1970s on NKAO, Heydar Aliyev said that he "tried to have more Azerbaijanis in Nagorno Karabakh and that the number of Armenians decreased".[1] During Heydar Aliyev's leadership of Soviet Azerbaijan, the Armenian population of the Nagorno Karabakh Autonomous Oblast increased only by 1.6%, from 121.1 to 123.1 thousand, while the Azerbaijani population grew by 37%, from 27.2 to 37.3 thousand. Between 1926–1980, the number of Armenian settlements in the NKAO decreased by 27%.

In these circumstances to the peaceful struggle of the people of Artsakh for civil rights, national dignity, economic development, cultural identity, education in the native language, the Azerbaijani leadership reacted with Armenian pogroms in Sumgait, Baku, Kirovabad and other cities of Azerbaijan, along with the operation "Ring" on deportation of the Armenian population of Artsakh and its economic blockade.[2] Thousands of Armenians were killed and maimed, hundreds of thousands were deported.

In the face of Baku's refusal to engage in dialogue and its continued attempts to resolve the conflict by force, proclamation of independence was the only way to ensure the survival of the Armenian population of Artsakh, which realized its right to self-determination in a referendum on December 10, 1991. The Artsakh authorities created the necessary conditions for holding the referendum throughout the Republic, including in the Azerbaijani settlements.[3] However, inhabitants of these settlements refused to participate in the referendum and instead supported the aggression unleashed by the Azerbaijani authorities against Artsakh. On the day of the referendum, Stepanakert and other Armenian settlements were subjected to heavy shelling, leaving 10 civilians dead and eleven wounded.

It should be recalled that the Artsakh Republic gained independence in the context of the disintegration of the Soviet Union and in full compliance with both international law and the then applicable legislation of the USSR. The law "On the

[1] "Zerkalo", July 23, 2002.

[2] Operation "Ring" was carried out in April–August of 1991. As a result, more than two dozen villages of Northern Artsakh, as well as Shahumyan, Hadrut and Shushi regions were completely devastated and destroyed, almost ten thousand people were deported, more than a hundred were killed and several hundred people were taken hostage. At a meeting with the delegation of the First International Congress of the Memory of Andrei Sakharov, head of the ideology department of the Central Committee of the Azerbaijani Communist Party Afrand Dashdamirov and Azerbaijani President Ayaz Mutalibov justified the deportation of the Armenian population of Nagorno Karabakh and did not exclude its continuation (Caroline Cox and John Eibner, "Ethnic Cleansing in Progress: War in Nagorno Karabakh". Institute for Religious Minorities in Islamic World, Zurich, London, Washington 1993).

[3] The NKR Central Election Commission sent a telegram to the administration of the Shushi region with a request to organize the participation of the Azerbaijani population of the region in the referendum. Ballot papers compiled in three languages, Armenian, Azerbaijani and Russian, were sent to the Azerbaijani-populated settlements of the republic.

procedure for resolving issues related to a Union republic's Secession from the USSR" of April 3, 1990, authorized autonomous entities and compact ethnic groups within a Soviet Republic to freely and independently decide their own legal status in case the Republic secedes from the USSR. Following Soviet Azerbaijan's declaration of August 30, 1991 of the restoration of 1918–1920 state independence Nagorno Karabakh initiated the same legal procedure by adopting its own declaration of independence. This referendum, which was held at a time when Nagorno Karabakh was part of the USSR, was fully in line with Soviet law. Hence, the day after the collapse of the Soviet Union two states were created on the territory of the former Azerbaijani Soviet Socialist Republic: the Nagorno Karabakh Republic and the Republic of Azerbaijan.

Over the years, the European Parliament had adopted numerous resolutions in support of Artsakh's strife for self-determination. In its resolution of June 21, 1999 on Nagorno Karabakh, the European Parliament stated that "the autonomous region of Nagorno-Karabakh declared its independence following similar declarations by former Soviet Socialist Republics after the collapse of the USSR in September 1991."

Peoples' right to self-determination is a fundamental right enshrined in the Charter of the United Nations and reaffirmed by several other core international documents.

According to international law, Artsakh had the right to create an independent state both as a manifestation of the right to self-determination and in accordance with the right to remedial secession in the face of systematic discrimination, mass violations of human rights, ethnic cleansing and armed aggression by Azerbaijan.

As noted in the Advisory Opinion of the International Court of Justice on the case of Kosovo, "during the second half of the 20th century, the international law of self-determination developed in such a way as to create a right to independence for the peoples of non-self-governing territories and peoples subject to alien subjugation, domination and exploitation. A great many new States have come into existence as a result of the exercise of this right. There were, however, also instances of declarations of independence outside this context. The practice of States in these latter cases does not point to the emergence in international law of a new rule prohibiting the making of a declaration of independence in such cases".[4]

The International Court of Justice also made an important observation that the scope of the principle of territorial integrity is confined to the sphere of relations between States,[5] thus rejecting the assertion that this principle contains a general prohibition against unilateral declarations of independence.

The evolution of international law convincingly demonstrates the inadmissibility of using the principle of territorial integrity to justify discrimination against certain ethnic groups or peoples and mass violations of human rights and freedoms.

The contemporary international law does not contain any discriminatory provisions with regard to unrecognized states.[6] In this context, the Advisory Opinion on Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) is of particular importance, since in the document the

[4] Advisory Opinion of the International Court of Justice: Accordance with international law of the unilateral declaration of independence in respect of Kosovo. July 22, 2010, para. 79.

[5] Idem, para. 80.

[6] See also the document (A/71/1030-S/2017/727) outlining the position of the Artsakh Republic on the policy of Azerbaijan aimed at isolating Artsakh.

International Court of Justice has developed a position that non-recognition should not lead to depriving people of advantages of international cooperation.

This approach has been further developed in the judgments of the European Court of Human Rights. In particular, in the Cyprus v. Turkey case, the ECHR noted that "International Court's Advisory Opinion, read in conjunction with the pleadings and explanations given by some of that court's members, shows clearly that in situations similar to those arising in the present case, the obligation to disregard acts of de facto entities is far from absolute. Life goes on in the territory concerned for its inhabitants. That life must be made tolerable and be protected by the de facto authorities, including their courts; and, in the very interest of the inhabitants, the acts of these authorities related thereto cannot be simply ignored by third States or by international institutions, especially courts, including this one. To hold otherwise would amount to stripping the inhabitants of the territory of all their rights whenever they are discussed in an international context, which would amount to depriving them even of the minimum standard of rights to which they are entitled".[7]

The ECHR further notes that this opinion of the International Court of Justice is "confirmed both by authoritative writers on the subject of de facto entities in international law and by existing practice, particularly judgments of domestic courts on the status of decisions taken by the authorities of de facto entities. This is true, in particular, for private-law relationships and acts of organs of de facto authorities relating to such relationships. Some State organs have gone further and factually recognized even acts related to public-law situations, for example by granting sovereign immunity to de facto entities or by refusing to challenge takings of property by the organs of such entities".[8]

The international judicial practice shows that compliance with the fundamental rights and freedoms of people living in de facto states, as provided for in basic international documents, is a criterion for the legality of the acts of unrecognized states.

As for the desire of the Azerbaijani side to draw parallels between the situation in Namibia and the Azerbaijani-Karabakh conflict, it is worth recalling that the presence of South Africa in Namibia was declared illegal due to South Africa's failure to fulfill its obligations under the mandate of the League of Nations related to ensuring the welfare and security of the indigenous population, as well as respect for its right to self-determination, freedom and independence.[9] As the International Court of Justice noted in its advisory opinion, the system of mandates established in accordance with Article 22 of the Charter of the League of Nations was based on two very important principles: the principle of non-annexation and the principle that the welfare and development of the peoples concerned are sacred heritage of humanity.[10] According to the Court's explanation, given the events that have taken place in the last 50 years, there can hardly be any doubt that the ultimate goal of protecting this sacred heritage is self-determination and independence.[11]

Paradoxically, in an attempt to justify its policy of denial of the rights of the people of Artsakh Republic, the Azerbaijani side refers to the principle of universality

[7] Judgment of the European Court of Human Rights. Case of Cyprus v. Turkey (Application no. 25781/94), para. 96. Strasbourg, 10 May 2001.

[8] Idem, para. 97.

[9] UN General Assembly Resolution 2145 (XXI), UN Security Council Resolutions 264 (1969), 269 (1969) and 276 (1970).

[10] Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) Notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, 1971 I.C.J. 16 (June 21), para. 45.

[11] Idem, para. 53.

of human rights. Meanwhile, this principle, which has acquired special significance with the adoption of the Universal Declaration of Human Rights of 1948 and now forms the basis of international human rights law, defines that:

- everyone without any exception on social, racial, national, linguistic, religious or other grounds is entitled to all the rights and freedoms;
- rights and freedoms belong to all people, regardless of the state structure, social order, political regime, historical, cultural and religious characteristics, the international status of the country in which these people live;

According to the principle of universality, all human rights constitute an integrated whole, they are interrelated and interdependent: whether they are civil and political rights, such as the right to life, equality before the law, or freedom of expression; economic, social and cultural rights, such as the rights to work, social security and education, or collective rights, such as the rights to development and self-determination. The improvement of one right facilitates advancement of the others. Likewise, the deprivation of one right adversely affects the others.[12]

The constant opposition to these rights by Azerbaijan is a direct violation of the principle of indivisibility and interdependence of human rights.

The attempts of the Azerbaijani side to interpret the UN Security Council resolutions on Nagorno Karabakh and the ECHR judgment in the case of Chiragov and Others v. Armenia as denying the right of the people of Artsakh to self-determination and representing the Azerbaijani-Karabakh conflict as Armenia's aggression against Azerbaijan are also untenable.

The ECHR did not deliver such a judgement. Moreover, according to Article 39 of the UN Charter, the issue of determining an act of aggression is the prerogative of the UN Security Council. The ECHR judgment in the case of Chiragov and Others v. Armenia concerns exclusively to the protection of individual, in particular, property rights.

The Court rejected the assertion of the Azerbaijani side and clarified that the situation pertaining in Nagorno Karabakh "is not one of Armenian State agents exercising authority and control over individuals abroad".[13] The Court noted the assistance provided by Armenia to Nagorno Karabakh, which served as a basis for its final assessment and decision. The ECHR did not deny the existence of both the NKR, although as an unrecognized entity, and a functioning judicial system in Nagorno Karabakh.

It must be stressed that rendering assistance and support, even of a military nature, if occurred, could not be equated with an armed attack. Such a position was elaborated by the UN International Court of Justice in the case of Nicaragua v. United States. The Court also noted the need to "distinguish between the most serious forms of the use of force (constituting an armed attack) and less serious forms".[14]

Despite the Azerbaijani claim the UN Security Council resolutions on the Azerbaijani-Karabakh conflict do not contain references to the aggression, committed against Azerbaijan. All four resolutions of the UN Security Council on the Azerbaijani-Karabakh conflict were adopted during the period of active hostilities, which determined their main requirement to immediately cease fire, as well as all

[12] Official website of the Office of the United Nations High Commissioner for Human Rights http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx.

[13] ECHR, Case of Chiragov and Others v. Armenia (Application no. 13216/05). Judgement (Merits), para. 169.

[14] Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Merits, Judgment, I.C.J. Reports 1986, p. 14, paras 191, 195, 230.

military actions and hostile acts. This main requirement of all resolutions was repeatedly violated by Azerbaijan and has not been fully implemented to this day.

Moreover, Azerbaijan's deliberate policy of destabilization of the situation on the Line of Contact between the armed forces of the Republic of Artsakh and Azerbaijan, its refusal to implement measures to strengthen confidence and reduce tensions, promotion of xenophobia and hatred against Armenians, rejection of direct talks with Artsakh, attempts to isolate it in every possible way and creating impediments for visits to Artsakh by specialized humanitarian organizations, contradict a whole series of requirements and calls of the UN Security Council resolutions, such as:

- to refrain from any action that will obstruct a peaceful solution to the conflict (Res. 822, 853);
- the immediate cessation of all hostilities and hostile acts with a view to establishing a durable cease-fire (Res. 822)
- to pursue negotiations through direct contacts between the parties (Res. 853);
- an early convening of the CSCE Minsk Conference for the purpose of arriving at a negotiated settlement to the conflict (Res. 874);
- to restore economic, transport and energy links in the region (Res. 853);
- to ensure unimpeded access for international humanitarian relief efforts (Res. 822, 853, 874).

Azerbaijan's failure to comply with the main and other requirements and calls of the four resolutions of the UN Security Council, its push to resolve the conflict by force and the constant threats of resumption of the war have led to a complete breakdown of the UN Security Council resolutions.

All four resolutions very clearly differentiate between the conflict itself and the "deterioration of relations between the Republic of Armenia and the Azerbaijani Republic and the tensions between them". At the same time, Azerbaijan and Nagorno Karabakh are also clearly indicated as the parties to the conflict (in Res. 822 it is mentioned as "local Armenian forces"). Res. 874 and 884 refer to the "ceasefire established as a result of direct contacts" meaning the bilateral contacts between Nagorno Karabakh and Azerbaijan without the participation of Armenia. The only call to Armenia contained in the UN Security Council resolutions relates to the need to exert influence on Nagorno Karabakh.

The Azerbaijani assertion that adoption of the UN SC resolutions after the declaration of independence of Artsakh makes it clear that the declaration has no legal effect, is yet another example of distorted and biased interpretation of international documents and international law in general by Azerbaijan.

The UN Security Council did not consider the issue of a political settlement to the Azerbaijani-Karabakh conflict, nor did it set limitations on the exercise of the right of the people of Artsakh to self-determination. Instead, the UN Security Council expressed its full support for the efforts to find a peaceful settlement within the framework of the CSCE/OSCE Minsk process.

It should be noted that in some cases the Security Council condemned declarations of independence (see, inter alia, Security Council resolutions 216 (1965) and 217 (1965), concerning Southern Rhodesia; Security Council resolution 541 (1983), concerning northern Cyprus; and Security Council resolution 787 (1992), concerning the Republika Srpska.), if it considered that they were, or would have been, connected with the unlawful use of force or other egregious violations of norms of general international law, in particular those of a peremptory character (jus

cogens).[15] In the context of Artsakh, the Security Council has never taken such a position.

Obviously, by distorting the UN Security Council resolutions and the ECHR judgement, Azerbaijan tries to justify its wish to resolve the Azerbaijani-Karabakh conflict by force, under the guise of the right to self-defense. However, in the context of the Azerbaijani-Karabakh conflict, Baku's reference to the right to self-defense is devoid of legal grounds, both in terms of treaty and customary law.

Article 51 of the Charter of the United Nations recognizes the inherent right of individual or collective self-defense "if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security". Self-defense in its broader interpretation, allowing the use of force by a State before it is attacked, i.e. preemptive self-defense, is governed by the rules of common law in accordance with the criteria of necessity and proportionality. These criteria were first formulated by US Secretary of State Daniel Webster in the framework of the Caroline case and provided that self-defense should be conditioned by "instant and overwhelming necessity, leaving no choice of means, and no moment of deliberation"; at the same time, "acts justified by the necessity of self-defense, must be limited by that necessity, and kept clearly within it". Later, these criteria were confirmed by the UN International Court, which has repeatedly stated that the criteria of "necessity" and "proportionality" are limitations upon the exercise of both individual and collective self-defense.

Thus, Azerbaijan can invoke neither Article 51 of the UN Charter, nor "an instant and overwhelming necessity" for self-defense (since a trilateral ceasefire agreement has been in place since 1994).

Moreover, it was the actions of Azerbaijan that led to the transformation of the political problem into an armed confrontation in the late 1980s and early 1990s. In subsequent years, particularly during the war in 1991–94, Azerbaijan not only rejected numerous proposals by both mediators and Artsakh leadership to establish a ceasefire, but also consistently increased the intensity and scale of hostilities by using newer and more destructive weapons, also against the civilian population. As a result of these actions considerable part of the territory of Artsakh was occupied and its population was subject of mass atrocities including war crimes and ethnic cleansing. Under these conditions, the actions of the Artsakh Defense Army were of a defense nature in repelling the attacks of the Azerbaijani army and neutralizing the strongholds from which attacks and shelling of the Artsakh settlements were carried out. Thus, Azerbaijan is not the victim of war, but the initiator, pursuing the goal of capturing Artsakh by force. The current borderline between Artsakh and Azerbaijan was formed as a result of self-defense exercised by the Artsakh Army to protect the Republic and its population.

The international community also rejected Baku's speculations on its right to self-defense in the context of the Azerbaijani-Karabakh conflict in April 2016, when Azerbaijan launched a large-scale offensive on Artsakh in a flagrant violation of the ceasefire agreement. The OSCE Minsk Group co-chair countries — the United States, Russia, France, as well as the UN Secretary General, the OSCE Chairperson-in-Office and Secretary General of the Council of Europe were unanimous on the need to strictly observe the 1994 ceasefire agreements and the agreement of 1995 on its reinforcement.

One of the components of the Azerbaijani speculations is the assertion about the alleged illegality of any economic activity in Artsakh. Based on this assumption Baku

[15] Advisory Opinion of the International Court of Justice: Accordance with international law of the unilateral declaration of independence in respect of Kosovo. July 22, 2010.

unilaterally attempts to involve UN member states in the isolation of Artsakh. Such actions by Azerbaijan directly affect the authority and responsibility of the UN Security Council, which did not take any restrictive economic measures against Artsakh. On the contrary, the UN Security Council called for "restoring economic, transport and energy links in the region" (Res. 853).

In addition, in 2001 the OSCE Minsk Group Co-Chairs made a proposal for economic cooperation between Azerbaijan and Artsakh, in particular, in the joint use of water resources as a confidence-building measure. The Co-Chairs of the Minsk Group repeated the above proposal in their May 20, 2014 statement.

Economic cooperation with a view to creating a favorable situation in the process of the political settlement of the Azerbaijani-Karabakh conflict was also proposed in the context of civilian peace initiatives by a consortium of international non-governmental organizations, and later in the framework of the EU-funded EPNK initiative.

However, these proposals have been rejected by Azerbaijan, which does not hide that it views the economy not as a means to peace building but as continuation and intensification of confrontation. In an effort to isolate Artsakh, the Azerbaijani authorities hope to create favorable conditions for the resumption of hostilities.

As part of this policy, the Azerbaijani authorities are taking consistent steps to disrupt the peace process, under the auspices of the OSCE Minsk Group Co-Chairs — the United States, Russia and France. Rejecting any proposals to strengthen the ceasefire and restore confidence and refusing to implement the agreements reached, Azerbaijan strives to bring the settlement process to a standstill, which, according to the Azerbaijani authorities, can justify the use of force.

Such an approach was vividly evident in the preparations of Azerbaijan for the attack against Artsakh in April 2016. The resumption of large-scale hostilities by Azerbaijan in April 2016 was preceded by Baku's refusal to meet with the Co-Chairs of the OSCE Minsk Group in late 2015 and early 2016 and the statement of Azerbaijani President Ilham Aliyev on March 19, 2016 that Azerbaijan's faith in the activities of the mediators had been completely undermined.[16]

Undermining any peacebuilding initiatives, aggressively imposing the logic of confrontation, trying to unleash a new war, the Azerbaijani authorities hope to change the course of the Azerbaijani-Karabakh conflict settlement, in which the tendency to an ever-greater recognition of the decisive role of the people of Artsakh in determining its future is clearly traced.

The President of Azerbaijan disclosed the reason for such behavior of the Azerbaijani side at a government meeting on October 7, 2016. Commenting on the process of the Azerbaijani-Karabakh conflict settlement, Ilham Aliyev said that behind closed doors, there was an international pressure on Baku to agree to the independence of Nagorno Karabakh.[17]

The Azerbaijani-Karabakh conflict, which began with the mass violations of the rights of the Armenian population of Artsakh, continues to this day precisely because of the unwillingness of the Azerbaijani side to abandon its policy of denying the

[16] Speech by President Ilham Aliyev at the nationwide festivities on the occasion of Novruz holiday. Official website of the President of the Republic of Azerbaijan, March 19, 2016 http://en.president.az/articles/19436.

[17] Opening speech by President Ilham Aliyev at a meeting of the Cabinet of Ministers on the results of the socioeconomic development in the nine months of 2016 and future objectives. Official website of the President of the Republic of Azerbaijan, October 7, 2016 http://en.president.az/articles/21318.

individual and collective rights of citizens of the Republic of Artsakh. This policy, expressed, inter alia, in an effort to isolate Artsakh, together with the ongoing military provocations by the Azerbaijani side, is not only a violation of Azerbaijan's international obligations, but also a serious threat to peace and security in the South Caucasus.

Brief Historical Reference

According to the well-known historical documents, since ancient times Artsakh has been one of the provinces of historical Armenia, as evidenced by, inter alia, the works of Strabo, Pliny the Elder, Claudius Ptolemy, Plutarch, Dio Cassius and other ancient authors. After the division of the Kingdom of Greater Armenia in 387, Artsakh along with the whole of Eastern Armenia fell under the domination of Persia. During the period of Arab expansion, Artsakh was part of the governorship of Armenia. In the 9th–11th centuries, Artsakh was part of the Armenian Kingdom of the Bagratids, and in the 12th and 13th centuries, the Armenian Principality of Zakharids. In the following centuries, Artsakh fell under the domination of Persia again, retaining, however, a semi-independent status. The region was governed by Armenian meliks, hereditary feudal lords, who managed to preserve de facto sovereignty with total independence in internal matters such as the court system, tax collection and the right to have their own army. Turkic tribes began to infiltrate Artsakh only from the middle of the 18th century, which led to clashes with the indigenous Armenian population. Since then, the region received another name — "Karabakh".

In the 50s of the 18th century, taking advantage of the internal strife among the Armenian meliks, Panah, the leader of one of the Turkic nomadic tribes infiltrated into Artsakh. This marked the beginning of a lengthy war with Armenian meliks.

As a result of the Russo-Persian wars of 1804–1813 and 1826–1828, Eastern Armenia, including Artsakh-Karabakh became part of the Russian Empire.

During the collapse of the Russian Empire in the early 20th century, newly created Azerbaijan, which never had a statehood before, laid claims not only on areas with compact Muslim population, but also on territories populated overwhelmingly by Armenians, including Artsakh-Karabakh, thus giving rise to the conflict.

Initially, the Azerbaijani leadership expected to achieve its goals with the help of Ottoman troops, who invaded the South Caucasus. The short period of occupation of parts of South Caucasus by Ottoman Army was marked by mass-atrocities against the Armenian population. The anti-Armenian pogroms were planned in advance and committed by Ottoman-Azerbaijani troops and local gangs. The massacre of Armenians of Baku alone, in September 1918 led to the death of around 30 thousand Armenians.

On June 4, 1918, Armenia, under conditions of continuing Ottoman aggression, was forced to sign the Treaty of Batum, according to which the Ottoman Empire got significant territorial gains in the west of Armenia, while Azerbaijan, taking the advantage of Ottoman presence in the region, laid territorial claims to Armenia.

At the time when the Treaty of Batum was imposed on Armenia, on July 22, 1918 the First Assembly of Armenians of Karabakh was convened, which declared Karabakh a separate administrative and political entity and formed an independent government. All attempts of Azerbaijan to forcefully annex territory of Karabakh in 1919–1920 failed. The military aggression of Azerbaijan against the Armenians of Karabakh was combined by mass atrocities, in particular in March, 1920, the Azerbaijani forces and armed gangs looted and set to fire the Armenian quarters of Shushi carrying out massacre of Armenian population of Shushi and driving them out of the city. However, the Batum Agreement was never ratified by Armenia and after

the defeat of the Ottoman Turkey in WWI it had lost its effect completely. The issue of determining the final status of Karabakh was transferred to the Paris Peace Conference.

The Azerbaijani territorial claims were not recognized at the international level either. On December 1, 1920, the Fifth Committee of the League of Nations rejected the request of Azerbaijan for admission to the League of Nations, justifying its decision by Azerbaijan's lack of established state borders.

After the Sovietization of the republics of the South Caucasus, on November 30, 1920, the government of Soviet Azerbaijan announced the recognition of Nagorno Karabakh, Zangezur and Nakhijevan as an integral part of Soviet Armenia. Later, however, with the support of Joseph Stalin, People's Commissar on Nationality Issues of Soviet Russia, Azerbaijan once again renewed its claims on Karabakh. On June 5, 1921, the Caucasus Bureau of the Communist Party of Russia, under the pressure of Stalin and contrary to its previous decision and the will of the people of Karabakh, decided to include Karabakh within Azerbaijan as an autonomous region.